

DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO:  
BUPERSINST 5720.7C  
Pers-06  
23 OCT 1995

BUPERS INSTRUCTION 5720.7C

From: Chief of Naval Personnel

Subj: IMPLEMENTATION OF THE FREEDOM OF INFORMATION ACT IN  
ACTIVITIES UNDER THE COMMAND OF THE CHIEF OF NAVAL  
PERSONNEL

Ref: (a) 5 U.S.C. § 552 (1988), as amended by the Freedom of  
Information Reform Act of 1986  
(b) SECNAVINST 5720.42E

1. Purpose. To provide instructions governing the release of records to the public under reference (a), as implemented by reference (b). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. BUPERSINST 5720.7B.

3. Background. Paragraph 6(c) of reference (b) tasks each activity with implementing the Freedom of Information Act (FOIA), and provides that each activity may grant requests for the release of records under its cognizance. The authority to deny requests is more limited.

4. Applicability. The provisions of this instruction apply to all assistant chiefs of the Bureau of Naval Personnel (BUPERS) and all heads of departments, and all Echelon 3, 4, and 5 commands under the command of the Chief of Naval Personnel (CHNAVPERS).

5. Freedom of Information Act (FOIA) Request. In order for a request to be processed under FOIA, the following conditions must be met:

a. The request must be in writing, and must either explicitly or implicitly invoke the FOIA, or reference (b);

b. The request must be for a copy of existing records;

c. The records requested must be reasonably described; and,

d. The request must state that the requester is willing to pay all fees, or fees up to a specified amount, if the fees are expected to exceed the minimum fee waiver threshold, or provide satisfactory evidence that he or she is entitled to a waiver or reduction of fees.

6. Action. Each Echelon 3, 4, and 5 command under the command of CHNAVPERS will ensure the organization prepares and maintains local

directives which identify procedures for processing FOIA requests. A copy of the local directives will be furnished to BUPERS (Pers-06). The local directives should provide for procedures whereby a response is made to the requester within 10 working days. All commands under the command of CHNAVPERS shall follow the denial procedures set forth below.

## 7. Denial Procedures

a. The authority to deny requests under FOIA is held only by those authorized below. Paragraph 6 (e) of reference (b) delegates the authority to deny requests for records under FOIA to the Chief of Naval Operations and respective vice commanders, deputies, and those principal assistants specifically designated. Those officials specifically authorized to deny requests for records in BUPERS are: CHNAVPERS; DEPCHNAVPERS; and Office of Legal Counsel. The following Echelon 3 command under the command of CHNAVPERS is authorized to deny requests for records pertaining to his or her activity: Commander, Navy Recruiting Command.

b. Each command under the command of CHNAVPERS must establish procedures whereby a proposed denial is promptly forwarded to the correct denial authority. In BUPERS, proposed denials should be hand-carried to the Office of Legal Counsel (Pers-06), if practicable. Prior to forwarding a proposed denial, subordinate commands should contact the FOIA coordinator (Pers-06L4 or Pers-06P) at (703) 614-2225 or (DSN) 224-2225. If, after consultation with the FOIA coordinator, it is determined that BUPERS is the appropriate denial authority, the subordinate command shall forward the original request letter, a copy of the requested records, and a memorandum stating the exemptions relied upon in recommending denial.

c. Activities under the command of Commander, Navy Recruiting Command will submit proposed denials to the appropriate denial authority according to procedures established in directives issued by those denial authorities.

8. Annual Reports. All commands under CHNAVPERS shall provide to their denial authority by 5 January of each year information for the previous calendar year required for the annual report under reference (b), paragraph 20a.

Distribution: (See next page.)

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Distribution:

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